



— State of —
North Dakota
Office of the Governor
John Hoeven
Governor

EXECUTIVE ORDER 2005-03

WHEREAS, I, John Hoeven, Governor of the State of North Dakota, by the authority vested in me, do hereby proclaim a flood emergency for North Dakota based on severe thunderstorm systems, which have produced abnormal amounts of rainfall, hail, high winds and tornadoes statewide, and continued flooding in the Devils Lake Basin, beginning April 9 and continuing; and

WHEREAS, periodic heavy downpours of rain throughout North Dakota, accompanied by high winds, hail and tornadoes, have caused riverine and overland flooding, forcing evacuations of families, isolating rural residents, and damaging homes and infrastructure. These storms, often following pathways similar to previous systems, have caused bridge and culvert washouts and road damages, jeopardizing fire, police and ambulance support.

In north central North Dakota, a downpour of rain caused the Souris River to rapidly rise; resulting floodwaters and sewer backup damaged several homes and roadways.

Storm systems have generated torrential rain, including the downpour that sent a wall of water three feet high through the lower parts of the south central community of Edgeley, forcing the evacuation of several families and damaging homes.

Flood-related impacts resulted in the death of a motorist who drowned after she lost control of her vehicle near a saturated riverbank in southeastern North Dakota.

In western and central North Dakota, storms have damaged homes, roadways and culverts created debris.

Throughout the state, agricultural producers report crop losses and prevented planting caused by overland flooding, standing water, hail, high winds and tornadoes. Any additional rainfall will force rivers to climb beyond levels currently forecasted and compound existing damages; and

WHEREAS, in addition, flood-related problems have persisted for twelve consecutive years in the Devils Lake Basin as water levels continue their historic rise. Seepage has occurred within the roadbed of N.D. Highway 20, one of six roads acting as dikes in the Devils Lake area, which are neither designed nor constructed to function as a dam. Additionally, floodwaters from 2004 and 2005 pose a threat to residential properties and transportation routes in Nelson County as they flow from Devils Lake into Stump Lake. Forecasts issued by the NWS indicate Devils Lake has a 50 percent chance of rising above last year's historic high of 1,449.1 feet, and Stump Lake may reach 1,432.46 feet by mid to late August; and

WHEREAS, storm and flood conditions have caused damages to transportation infrastructure, public and tribal sewage and water systems, as well as private property, including businesses and homes, and are endangering agricultural and economic interests. The damages to public properties present a serious threat to public health and safety. Additionally, these conditions have compounded problems caused by repetitive flooding throughout the state, dating back to 1993 in some areas. Resulting ground saturation and high water tables jeopardize the well being of residents and the viability of infrastructure. Communities in North Dakota are currently involved in flood protection measures specific to the current conditions. Potential agricultural damages and expenditures for damage control and repair, as well as private and other business losses, will constitute a serious economic hardship throughout the entire state. Based on these factors, actions are necessary to address threats to public health and safety, reduce the economic hardships, and to continue response, recovery and mitigation efforts.

NOW THEREFORE, I order total utilization of the North Dakota State Emergency Operations Plan, its procedures, attachments and appendices, to respond to the situation and assist local officials to develop a detailed damage assessment, alleviate hardships, and implement appropriate recovery actions and future mitigation measures to limit the hardships and impact of this disaster, and facilitate restoration of services and infrastructure.

This order is issued upon the following basis and for the following reasons:

1. The Governor is vested with the executive authority pursuant to Article V, Section 1, of the North Dakota Constitution.
2. The governor is vested with statutory authority to issue executive orders, minimize or avert the effects of a disaster or emergency pursuant to Chapter 37-17.1 of the North Dakota Century Code.
3. A coordinated and effective effort of appropriate government departments is required to minimize the impact of emergencies and disasters in this state.

Executed at Bismarck, North Dakota, this 9th day of June 2005.

/s/
John Hoeven
Governor

Attest:

Alvin A. Jaeger
Secretary of State

/s/
Deputy